

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE MINNESOTA DEPARTMENT OF COMMERCE

In the Matter of the Insurance  
Agent License of William Gordon.

FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION

The above-entitled matter came on for a prehearing conference before Administrative Law Judge George A. Beck on April 25, 2000 at 1:30 p.m. at the Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, in the City of Minneapolis, MN 55401. The record closed on the date of the prehearing conference.

Patrick M. Driscoll, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, MN 55101, appeared on behalf of the Department of Commerce. There was no appearance by or on behalf of William Gordon, the Licensee.

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of Commerce will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Commissioner of Commerce shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the commissioner of the Department of Commerce. Parties should contact James C. Bernstein, Commissioner, Minnesota Department of Commerce, 121 East 7<sup>th</sup> Place, St. Paul, Minnesota 55101, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issues in this contested case proceeding are whether or not disciplinary action should be taken against the insurance agent license of the Licensee and whether he should be subjected to civil penalties.

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Hearing and Notice of Prehearing Conference and Statement of Charges in this matter was served upon the Licensee by certified mail at 2140 East 117<sup>th</sup> Street, Burnsville, MN 55337-7230 on March 28, 2000. This address is the Licensee's last known address on file with the Department.

2. On March 28, 2000 the Notice of and Order for Hearing was served upon the Commissioner of Commerce pursuant to Minn. Stat. § 45.028.

3. The Notice of and Order for Hearing and Notice of Prehearing Conference had the following notice:

If the Respondent fails to attend or otherwise appear<sup>[1]</sup> at any hearing, or settlement conference, or hearing in this matter, or fails to comply with any interlocutory order of the judge after having been served with a copy of this Order, Respondent shall be deemed in default and the allegations or issues set forth herein may be deemed proved and Respondent's insurance agent license may be revoked or suspended, Respondent may be censured, and/ or a civil penalty may be imposed against Respondent without further proceedings.

<sup>1</sup> Without the prior consent of the judge.

4. The Licensee failed to appear at the prehearing conference in this matter on April 25, 2000 and no one appeared on his behalf. No notice of appearance was filed nor was a request made for a continuance.

5. That because the Licensee failed to appear at the hearing in this matter, he is in default in this proceeding.

6. Pursuant to Minn. Stat. § 60K.11, subd. 2 and Minn. Rule, pt. 1400.6000, the allegations contained in the Notice of and Order for Hearing are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. That the Commissioner of Commerce and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. § § 14.50, 45.027, and 60K.11.

2. That the Department of Commerce has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law or rule.

3. That the conduct described in the Notice of and Order for Hearing constitutes a violation of Minn. Stat. § § 45.027, and 60K.11, subd. 1(i) (iii) (v) and (xi), 72A.20, subd. 18 and Minn. Rule pt. 2795.1000.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

### RECOMMENDATION

IT IS HEREBY RECOMMENDED: that disciplinary action be taken against the insurance agent license of William Gordon and that civil penalties be imposed as appropriate.

Dated this 26th day of April 2000.

S/ George A. Beck  
GEORGE A. BECK  
Administrative Law Judge

NOTICE

Under Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

Reported: Default.

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